IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

RYSTA LEONA SUSMAN, both)
individually and as Legal Guardian of)
SHANE ALLEN LOVELAND, et al.,) Case No. 8:18-cv-00127
Plaintiffs,)
,)
v.)
)
THE GOODYEAR TIRE & RUBBER)
COMPANY,)
)
Defendant.	,)

JOINT MOTION FOR EXTENSION OF PROGRESSION ORDER FOR LIMITED PURPOSE OF COMPLETING DEPOSITIONS

Plaintiffs, Rysta Leona Susman, as Legal Guardian of Shane Allen Loveland, and Jacob Summers, and Defendant, The Goodyear Tire & Rubber Company, jointly move for an Order Extending the Progression Order in this case for the limited purpose of completing the depositions set forth in the discovery stipulation filed contemporaneously herewith:

- 1. This is a complex product liability action involving serious injuries to the Plaintiffs.
- 2. The parties have been diligently working to complete document and deposition discovery necessary to prepare the case for trial. The volume of documents, the number of witnesses, and the conflicting schedules of the attorneys have presented challenges to completing the depositions required by the parties prior to the July 10, 2019 deadline set forth in the Progression Order (ECF 77).
- 3. As a result, Plaintiffs and Defendant agreed, prior to the July 10, 2019 deadline, to extend the time limits for the completion of certain depositions. This agreement is presented to the Court as a Stipulation pursuant to Local Rule 29.1 filed contemporaneously with this Motion.

- 4. Further delay in completing some of the depositions set forth in the Stipulation was brought about by the Petition to Intervene filed by Kearney Towing & Repair Center, Inc. (ECF 95), and Kearney's refusal to present any of its employee witnesses for deposition until Plaintiff's agree to not seek multiple depositions of the Kearney witnesses in a state court action against Kearney arising out of the same occurrence. Subpoenas were served to take the necessary depositions of the Kearney employees on August 22, 2019, but Kearney's counsel refused to present the witnesses in reliance on its Petition to Intervene.
- 5. Plaintiff requires the deposition of Goodyear's corporate representative and Goodyear employee, Michael Kearns, to be prepared for trial. Goodyear requires the depositions of the Kearney employees and the Kearney corporate representative(s), as well as one or more depositions of Dandee Concrete Construction Company, Inc. employees to be prepared for trial. The number and the identity of the Dandee Concrete Construction Company, Inc. depositions cannot be known until the Kearney depositions are completed.
- 6. Depending upon the timing of the Court's ruling on Kearney's Petition to Intervene, if the Kearney employee depositions can be completed in September, the parties anticipate the remaining depositions set forth in the Stipulation to be completed by November 15, 2019.
- 7. The parties are not asking the Court to alter any other deadlines. It is not anticipated this extension will alter any of the remaining deadlines, or the January 21, 2020 trial date.

WHEREFORE, Plaintiffs and Defendant respectfully request that the Court accept their Stipulation for extension of the Progression Order for the limited purpose of completing the specified depositions.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via the Court's electronic filing system, this 23rd day of August, 2019 to:

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